

# **Draft Minutes**

## **JOINT MEETING STATE REVIEW BOARD and BOARD OF HISTORIC RESOURCES**

**10 a.m. March 15, 2018**

At the Virginia Historical Society Harry M. Bluford Classroom, 428 N. Boulevard, Richmond, VA 23221

### **State Review Board Members Present**

Dr. Elizabeth Moore, Chair  
Joseph D. Lahendro, Vice-Chair  
Dr. Sara Bon-Harper  
Dr. Gabrielle Lanier  
Dr. Laurant Lee  
Dr. Carl Lounsbury  
John Salmon

### **Historic Resources Board Members Present**

Dr. Ashley Atkins-Spivey  
Clyde Paul Smith  
Dr. Colita Nichols Fairfax  
Frederick S. Fisher  
Nosuk Pak Kim

### **State Review Board Members Absent**

None

### **Historic Resources Board Members Absent**

Margaret T. Peters  
Erin B. Ashwell

### **Department of Historic Resources Staff Present**

Julie Langan, Director  
Aubrey Von Lindern  
Marc Wagner  
Jim Hare  
Michael Pulice  
Austin Walker  
Jennifer Loux  
Megan Melinat

Stephanie Williams, Deputy Director  
Lena McDonald  
Jennifer Pullen  
Blake McDonald  
Elizabeth Lipford  
Libby Cook  
Casey DeHaven

**Guests present** (from sign-in sheet) –

**Guests from State Agencies** – Catherine Shankles (Office of the Attorney General)

### **Board of Historic Resources (BHR)**

Chair Atkins-Spivey called the BHR meeting to order at 10:06 a.m. She explained the role of the BHR as an official policy-making Board of the Commonwealth, and asked each of the Board members to introduce themselves. Chair Atkins-Spivey noted the BHR has a quorum.

Chair Atkins-Spivey asked for a motion to adopt the meeting agenda for the March 15, 2018, Board meeting agenda. Vice-Chair Smith made the motion. It was seconded by Dr. Fairfax and passed unanimously with no discussion.

Chair Atkins-Spivey presented the December 2017 meeting minutes and Dr. Bon-Harper stated a correction to the minutes regarding her recusal from discussion of the property known as Wyndhurst. Chair Atkins-Spivey asked for a motion to approve the minutes as corrected. Vice-Chair Smith made the motion. It was seconded by Ms. Kim and passed unanimously with no discussion.

### **State Review Board (SRB)**

Chair Elizabeth Moore called the SRB meeting to order at 10:10 a.m. and explained the role of the SRB and the process of Register designation. She invited the SRB members to introduce themselves, and welcomed everyone in attendance.

Chair Moore asked for a motion to adopt the December March 15, 2018, meeting agenda. With a motion from Dr. Lanier and a second from Dr. Lee, the SRB voted unanimously to approve the agenda.

Chair Moore presented the December 2017 meeting minutes and asked for a motion to approve the minutes as corrected. With a motion from Dr. Bon-Harper and a second from Dr. Lee, the SRB voted unanimously to approve the minutes with no discussion.

### **Elections – State Review Board**

Dr. Bon-Harper nominated Elizabeth Moore to continue to serve as chair and Joseph Lahendro to continue to serve as vice-chair.

Dr. Lee seconded the nominations. The SRB members voted unanimously to approve the nominations as presented.

Chair Moore introduced DHR Director Julie Langan.

#### **Director's report:**

Director Langan introduced Barbara Powers, manager of the survey and register programs at the Ohio SHPO, who is attending as an observer. Director Langan noted that the General Assembly's regular session adjourned without a budget. The governor has requested a special session to begin on April 11. She said that DHR hopes to have DHR's authority to implement a fee schedule for easement reviews included in the budget. The Senate has inserted a cap on the fee schedule but the House did not, and this will need to be resolved. The other issue DHR awaits is approval of a new position in DHR's RCD for an archaeologist. Matt Strickler, newly appointed SNR, has been supportive of both requests and included them in a short list of priorities. Director Langan said she had just returned from a meeting of the NCSHPO in Washington DC. She said the National Park Service can now convene advisory committee meetings again, including the Captain John Smith Chesapeake NHT and Star Spangled Banner NHT. The NHL advisory committee also can meet again, but first vacancies on the committee must be filled. There are many vacant positions in the NPS, including leadership positions, as many as 35 cultural resources positions are vacant. The hiring freeze has been lifted but it will take time to fill all the vacancies.

There has been discussion about changing where the coordination for the Werewocomoco meetings are taking place. It's recently been decided to move the meetings from Maryland to the Colonial National Historical Park in Virginia.

Langan said she visited 10 members of Congress on Tuesday. There was broad-based, bipartisan support for the retention of the federal historic tax credit, and Virginia's delegation has been asked to support level funding for the HPF, which includes funding for SHPOs and THPOs. Langan noted that Virginia now has additional federally recognized tribes that can use HPF funding for their own THPOs if they choose. Josephine School outside of Berryville has just received another Civil Rights grant, for roof replacement.

She invited Board members to attend the International Conference on Slavery next week. There will be a public forum on March 21, at which the legacy of slavery and its presentation in public spaces will be discussed. The Thomas Jefferson Foundation is co-sponsoring the event. She will email the Board members a link to the event.

The final report for the economic impact of the state rehab tax credit has been released. It is the most comprehensive study done to date to measure the program's impacts since it was established 20 years ago. The report will be used to educate GA members as they consider state tax credit reform.

Secretary Strickler met several Board members this morning but was not able to stay for the whole meeting. He does hope to attend a meeting in full as soon as possible. The June board meeting will take place at Stratford Hall. Board members are invited to come to the site the afternoon before.

Vice-Chair Smith said the Board members are thrilled and delighted that Julie Langan has been reappointed, and to work with her and DHR's staff under her leadership.

Chair Atkins-Spivey invited Mr. Wagner to present the first set of nominations to be considered today.

#### **NOMINATIONS**

The following Eastern Region nominations was presented by Mr. Marc Wagner.

#### **Eastern Region.....presented by Marc Wagner**

1. Oliver Chilled Plow Works Branch House, City of Richmond, #127-6914, Criteria A and C

Mr. Wagner stated that SRB member John Salmon was involved with preparation of the nomination for the Oliver Chilled Plow Works Branch House Highland Springs Historic District. He remained in the room during discussion by the Boards to answer any questions about the nomination's preparation.

Chair Atkins-Spivey asked for questions or comments. Vice-Chair asked if there is a plan for the building. The property owner said it is planned for redevelopment for low-income housing.

Upon completion of discussion about the Oliver Chilled Plow Works Branch House Mr. Salmon left the room.

Chair Atkins-Spivey requested a motion for the BHR to approve the nomination as presented. With a motion from Vice-Chair Smith and a second from Dr. Fairfax, the BHR voted unanimously to approve the nomination as presented.

Chair Moore requested a motion for the SRB to approve the nomination as presented. With a motion from Dr. Lounsbury and a second from Dr. Lee, the SRB voted unanimously to approve the nomination as presented.

Mr. Salmon returned to the room.

The following Northern Region nominations were presented as a block by Ms. Aubrey Von Lindern.

**Northern Region.....presented by Aubrey Von Lindern**

1. Fannie Thompson House, Augusta County, #007-0663, Criteria A and C
2. Funkhouser Farm, Shenandoah County, #085-0245, Criterion A

Chair Atkins-Spivey asked the BHR for questions or comments.

Chair Moore invited the property owners to speak about their properties. Mr. David Garms, owner of the Funkhouser Farm, explained that the property also had association with a couple of Civil War battles in the area. Mr. David I. McCaskey and Ms. Nancy Sorrels explained their plans for the Fannie Thompson House. She explained that slavery in Augusta County was typically with small farmers owning one or two slaves, and slave hiring was common. As a result, most enslaved families never lived together until after emancipation. She explained that the community church and twenty houses associated with this Reconstruction Era community have vanished. All residents were emancipated people or children of slaves. The last resident died in 1974 at the age of 99. She added that Edward Ayers' book *The Thin Light of Freedom* compared slavery in Augusta County to other places in Virginia. Ms. Sorrels explained that the Thompson House was the last such dwelling that remains in Augusta County today. Mr. McCaskey said the real significance of the house is the surviving home of a laboring class person from that era. In part this is because everything in the house is built of oak, including the weatherboard siding. Pine in the soffits and the rear addition rotted, but the main part of the house is still in good shape. Vice-Chair Smith congratulated the property owner for saving the house. Ms. Sorrels said some of the components that remain are indicative of community life, such as alphabet letters written on a portion of siding; and the closets are lined with packing crate wood. Chair Atkins-Spivey asked who owns the other lots in the area. Mr. McCaskey said he owns an adjacent lot. She said the fact that if remnants of the buildings remain then there is potential it is an archaeological district. Ms. Sorrels said they had contacted Dennis Blanton at JMU to conduct some archaeological testing. She said BB&T bank owns the church site and part of the cemetery, which is maintained. Ownership of the rest of the cemetery is not known. The community's deed records are incomplete, which has caused numerous property disputes in the past century.

Dr. Lee asked if the history of the community will be preserved anywhere in the town. Ms. Sorrels said Greenville does not have a museum. She said the community history will be published in the county historical society's journal. Mr. McCaskey said he has preserved all of the historic materials he found in the house. Dr. Lee what will happen to those artifacts. Mr. McCaskey said they are going to be scanned for preservation at the historical society. Dr. Lee suggested the community's history be incorporated in the local school curriculum. Ms. Sorrels said the historical society has done so in the past and will again.

Chair Atkins-Spivey requested a motion for the BHR to approve the nominations as presented. With a motion from Vice-Chair and a second from Mr. Fisher, the BHR voted unanimously to approve the nominations as presented.

Chair Moore requested a motion for the SRB to approve the nominations as presented. With a motion from Dr. Lee and a second from Mr. Lahendro, the SRB voted unanimously to approve the nominations as presented.

The following Western Region nominations were presented as a block by Mr. Michael Pulice.

**Western Region.....presented by Michael Pulice**

1. \*\*Retirement and the Muster Ground, Town of Abingdon, Washington County, #140-0006, Criteria A and C
2. \*\*Twelfth Street Industrial Historic District, City of Lynchburg, #118-5498, Criteria A and C
3. \*\*Villa Heights, City of Roanoke, #128-0012, Criteria B and C
4. Wytheville Historic District 2018 Boundary Increase, Town of Wytheville, Wythe County, #139-0029, Criteria A and C

Ms. Isabel Thornton spoke about Villa Heights and explained that it is planned to be redeveloped as a home for the local Boys and Girls Club nonprofit organization; it is a compatible reuse because the property previously was part of a city park for more than 50 years. Vice-Chair Smith asked if it is occupied now. Ms. Thornton said it has not been occupied for more than ten years. Mr. Lahendro asked about the funding source. Ms. Thornton said state and federal rehabilitation tax credits will be used, as well as a HUD grant. The City of Roanoke also is donating proceeds from the insurance claim related to a fire at the building. Mr. Pulice said Villa Heights was on Preservation Virginia's list of most endangered properties a decade ago, and Ms. Thornton's organization was the first to propose a new use that received community support.

Chair Atkins-Spivey asked the BHR for questions or comments.

Chair Atkins-Spivey invited other questions or public comment regarding the nominations. None were made.

Chair Atkins-Spivey requested a motion for the BHR to approve the nominations as presented. With a motion from Smith\_\_\_\_\_ and a second from \_Kim\_\_\_\_\_, the BHR voted unanimously to approve the nominations as presented.

Chair Moore requested a motion for the SRB to approve the nominations as presented. With a motion from \_Lee\_\_\_\_ and a second from Bon Harper\_\_\_\_\_, the SRB voted unanimously to approve the nominations as presented.

**The Joint Session of the Boards adjourned at 11:30 a.m.**

**Register Summary of Resources Listed:** Historic Districts: 2  
Buildings: 5  
Structures: 0  
Sites: 1 (The Muster Grounds)  
Objects: 0  
MPDs: 0

#### BOARD OF HISTORIC RESOURCES

Virginia Museum of History & Culture, Harry M. Bluford Classroom, 428 N. Boulevard, Richmond VA 23221

#### **Board of Historic Resources Members Present:**

Dr. Ashley Atkins-Spivey, Chair  
Clyde Paul Smith, Vice-Chair  
Dr. Colita Nichols Fairfax  
Nosuk Pak Kim

#### **Board of Historic Resources Members Absent:**

Erin Ashwell  
Fred Fisher  
Margaret Peters

#### **Department of Historic Resources (DHR) Staff Present:**

Julie Langan, Director  
Stephanie Williams, Deputy Director  
Libby Cook  
Jennifer Loux  
Megan Melinat  
Jennifer Pullen  
Karri Richardson

#### **Other State Agency Staff Present:**

Catherine Shankles (Office of the Attorney General)

#### **Guests Present (from sign-in sheet):**

Cynthia Gaines (Megginson Rosenwald School Highway Marker)  
Brenda Gaines (Megginson Rosenwald School Highway Marker)  
Lorenzo Megginson (Megginson Rosenwald School Highway Marker)  
Jackie Megginson (Megginson Rosenwald School Highway Marker)  
Mary Haberl (Belmont Chapel Highway Marker)  
Ken Courter (Belmont Chapel Highway Marker)  
Kinglsey Obaji (Belmont Chapel Highway Marker)

Chair Atkins-Spivey called the meeting to order at 11:41 am, explained the purpose of the Board of Historic Resources, and asked each member to introduce him/herself.

#### **HIGHWAY MARKERS**

Jen Loux, Highway Marker Program Manager, introduced herself and presented the Sponsor Markers – Diversity, Sponsor Markers, and Consideration of Replacement Marker Texts.

#### **Sponsor Markers - Diversity**

##### **1.) Belmont Chapel**

**Sponsor:** St. David's Episcopal Church and School

**Locality:** Loudoun County  
**Proposed Location:** 43600 Russell Branch Pkwy.

## **2.) Megginson Rosenwald School**

**Sponsor:** Cynthia E. Gaines  
**Locality:** Lynchburg  
**Proposed Location:** 136 Spinoza Circle

Comment Summary:  
Mr. Smith confirmed the building is currently in use as a community center.

## **3.) Bethlehem Baptist Church**

**Sponsor:** Gum Springs Historical Society  
**Locality:** Fairfax County  
**Proposed Location:** 7836 Fordson Road

## **4.) First Baptist Church**

**Sponsor:** First Baptist Church  
**Locality:** Williamsburg  
**Proposed Location:** 727 Scotland St.

Comment Summary:  
Mr. Smith requested additional information about the term “brush arbor” and its reference to secret plantation meetings.

## **5.) Third Baptist Church**

**Sponsor:** Third Baptist Church  
**Locality:** Alexandria  
**Proposed Location:** 917 Princess St.

Comment Summary:  
Following the presentation of all of the Sponsor-Diversity markers, marker sponsor Cynthia Gaines, and Lorenzo Megginson spoke on behalf of the Megginson Rosenwald School marker. Dr. Fairfax asked to see a photograph of Albert Megginson, but none was available at the meeting. Mr. Smith expressed gratitude for the preservation of this Rosenwald School and its continued use in the community.

The Belmont Chapel marker team spoke in support of their marker. Dr. Fairfax commented on how Margaret Mercer broke the law to teach children; Mary Haberl acknowledged this and confirmed the innovative approach to Ms. Mercer’s personally designed curriculum. Dr. Fairfax commented that it was an entire movement of people to Liberia and that the first Ambassador to Liberia was from Norfolk. Dr. Fairfax will inquire if there are any relevant records retained at Norfolk State University. Mr. Smith confirmed the location of the marker and volunteered to represent DHR at the marker dedication.

Mr. Smith made a motion to approve the Sponsor-Diversity Markers as presented. Dr. Fairfax seconded the motion and it was unanimously approved by the Board.

## **Sponsor Markers**

### **1.) The Washingtons at Pohick Church**

**Sponsor:** Mary Elizabeth Conover Foundation, Inc.  
**Locality:** Fairfax County  
**Proposed Location:** 9301 Richmond Highway, Lorton.

### **2.) James Rives Childs (1893-1987)**

**Sponsor:** Lynchburg City Schools Education Foundation, Inc.  
**Locality:** Lynchburg  
**Proposed Location:** 911 Rivermont Ave.

### **3.) Reedy Creek Baptist Church**

**Sponsor:** Reedy Creek Baptist Church  
**Locality:** Brunswick County  
**Proposed Location:** 1949 Reedy Creek Road

#### **4.) Walnut Grove Plantation**

**Sponsor:** Bristol Historical Association  
**Locality:** Bristol  
**Proposed Location:** Lee Highway (Route 11), just east of Route 5300

#### **5.) Vint Hill Farms Station**

**Sponsor:** Julie Broaddus  
**Locality:** Fauquier County  
**Proposed Location:** Farm Station Road northwest of intersection with Lineweaver Road

Comment Summary:

Mr. Smith commented that Vint Hill is also the site of the new Cold War Museum.

#### **6.) Skirmish at Kemp's Landing**

**Sponsor:** Christopher Pieczynski  
**Locality:** Virginia Beach  
**Proposed Location:** corner of South Witchduck Road and Singleton Way

Ms. Kim made a motion to approve the Sponsor Markers are presented. Dr. Fairfax seconded the motion and it passed unanimously by the Board.

#### **Consideration of Replacement Marker Texts (VDOT project)**

##### *1.) Culpeper VDOT District; Fauquier County*

Colonial Road C-29

##### *2.) Richmond VDOT District; Henrico County*

First Successful Colonial Tobacco Crop V-25

##### *3.) Hampton Roads VDOT District; Greensville County*

Site of Homestead UM-41

The condition of these three markers were identified by the Virginia Department of Transportation (VDOT) as beyond repair and thus present DHR with an opportunity to update their respective texts. Ms. Kim made a motion to approve the replacement markers as presented. Dr. Fairfax seconded the motion and the Board voted unanimously to approve the replacement marker texts as presented.

#### **Consideration of Placement of Markers along Waterways**

Ms. Loux presented the suggestion the Department of Historic Resources received to include placement of historic markers along waterways in Virginia. Few aspects of the existing program would directly apply to such an undertaking and the Board's opinion on whether to continue examining the expansion of the current program or remain focused on highway markers was requested.

Comment Summary:

Ms. Kim stated that the practicality and expense to the Commonwealth seem significant and complicated. Mr. Smith agreed and stated that of the approximately 2,700 markers throughout the state, only a handful are on pathways not accessible to automobiles. Dr. Fairfax pointed out that the local department of public works staff are typically involved and adding waterway placement would add a paradigm to their operations, which they may be unwilling to accommodate. Director Langan confirmed the uncertainty that localities would accept this additional program and its responsibilities.

Mr. Smith made a motion to not consider expansion of the current highway marker program to include shorelines. Dr. Fairfax seconded the motion and the Board unanimously approved that the highway marker program remain focused on the roadways.

**Chair Atkins-Spivey adjourned the Board of Historic Resources meeting for the lunch break at 12:19 p.m.**

Chair Atkins-Spivey called the meeting back to order at 12:56 p.m., reiterated the purpose of the Board of Historic Resources, and asked each member to introduce him/herself.

**EASEMENTS**

**Board of Historic Resources Members Present:**

Dr. Ashley Atkins-Spivey, Chair  
Clyde Paul Smith, Vice-Chair  
Dr. Colita Nichols Fairfax  
Fred Fisher (joined the meeting at 1:49 p.m.)  
Nosuk Pak Kim

**Board of Historic Resources Members Absent:**

Erin Ashwell  
Margaret Peters

**Department of Historic Resources (DHR) Staff Present:**

Julie Langan, Director  
Stephanie Williams, Deputy Director  
Libby Cook  
Brad McDonald  
Megan Melinat  
Wendy Musumeci  
Jennifer Pullen  
Karri Richardson  
Elizabeth Tune  
Joanna Wilson Green

**Other State Agency Staff Present:**

Catherine Shankles (Office of the Attorney General)

**Guests Present (from sign-in sheet):**

Adam Gillenwater (Civil War Trust)  
Tom Gilmore (Civil War Trust)  
John Hutchinson (Shenandoah Valley Battlefield Foundation)  
Betty Lambeth Gereau (Morton-Sizemore House)  
Len Gereau (Morton-Sizemore House)  
Brian Watson (Capital Region Land Conservancy)  
Crystal and George Tingler (Madden's Tavern)  
Meredith and Blake Hamaris (Madden's Tavern)

Chair Atkins-Spivey made a motion to amend the posted agenda to move "Easement Violation: Madden's Tavern", "Project Review: Madden's Tavern" and "New Easement Offer for Consideration: Morton-Sizemore House" to the beginning of the agenda. Ms. Kim seconded the motion. The Board voted unanimously to approve the amended meeting agenda.

**Easement Violation**

Ms. Wilson Green presented the notice of major violation, in accordance with Easement Program Policy #7, to the Board:

**1. Madden's Tavern, Culpeper County**

*Unapproved ground disturbance*

On December 17, 2018, Easement Program staff visited the Madden's Tavern property at the owners' request in order to discuss a proposal for reforestation of existing agricultural fields. While on site, staff noted multiple instances of random, localized ground disturbance, with the appearance of gopher holes, distributed across the cleared fields adjacent to Madden's Tavern Road. Upon closer inspection pieces of metal and glass as well as discarded soft drink containers and other refuse were noted, raising the suspicion that the excavations were the result of relic hunting activity. When asked, the property owner confirmed that a local relic hunting organization had requested and been given permission to hunt the property some time earlier, and that his family had received payment for this activity. Staff found evidence of relic hunting activity throughout the property, with all agricultural fields as well as a portion of the Tavern side yard affected. Pursuant to Easement Program Policy #7 the property owners were formally cited with a Major Violation by certified mail on January 8, 2018.

**Comments Summary:**

Property owners, Crystal and George Tingler, addressed the Board directly, acknowledged their error and expressed willingness to complete a damage assessment if appropriate. Mr. Smith reminded the owners that the archaeological value of such artifacts is derived from the setting in which they are discovered, inquired as to the reimbursement the owners received, and asked if they were aware of what artifacts were removed. Mr. Tingler replied that they heard of the removal of bullets and belt buckles, and of a larger artifact that was left

in place. He added that the items were all found within six inches in depth within the depth of the current plow zone. Chair Atkins-Spivey asked which company conducted the event. The Tingleers did not have the name of the company in hand, but offered to provide it to DHR in a future communication. Chair Atkins-Spivey spoke passionately about the value of archaeological resources of all human occupation beyond the limited Civil War era, and commended the owners for attending the meeting and addressing the Board directly, and answering questions. Chair Atkins-Spivey asked if the owners intended to retrieve the items that were removed. Mr. Tingleer responded that it was their ultimate goal to do so, but given that months have elapsed, it is uncertain how successful such an effort might be.

## **Project Review**

Ms. Wilson Green presented the proposal for reforestation of a portion of the easement property in hardwoods for conservation purposes, to the Board:

### **1. Madden's Tavern, Culpeper County**

*Proposal to plant portions off the easement property in native hardwoods for conservation purposes*

In December 2017, Easement Program staff received notification from stewardship staff with the Virginia Outdoors Foundation (co-holder of the Madden's Tavern easement) indicating that they were in discussion with the property owner about reforestation of a large portion of the easement property. Project materials received from the owner's conservation consultant indicated that all but a portion of the southeast field (approximately 90 acres) would be converted from agricultural cultivation to mixed native hardwoods, with bare-root saplings planted with a rip plow. In a December 17, 2017 site visit staff confirmed that the areas to be reforested were currently fallow or in winter cover crops. The conservation consultant indicated that the trees were to be planted and maintained but not harvested, and that an overlay easement protecting the reforested areas would be required. Following review of easement terms and historic maps and aerials, Easement Program staff determined that the proposal was inconsistent with the easement as it would result in significant alteration to the historic setting and public views of the Tavern (co-holder VOF declined to participate in the review, citing the VBHR's greater interest in preservation of the historic landscape). The property owners were informed of this decision by letter, dated January 18, 2018. Subsequent to this determination staff received a revised proposal that removed an additional twenty or so acres from reforestation, leaving the portions of agricultural fields immediately adjacent to Madden's Tavern Road in cultivation. Staff reviewed the revised proposal but still felt it would result in too great a change to the historic setting. Staff advised the owners and their consultant of this determination by email, dated March 1, 2018, and followed up with a meeting on March 9, 2018. At that time staff informed the owners that the general proposal would be presented to the VBHR for its consideration at the March 15 meeting, and invited the owners to attend and provide information to the Board as desired.

#### **Comments Summary:**

Mr. Smith asked about the history of the Tavern itself. Ms. Tingleer replied that Willis Madden built the tavern as a freed slave and that both Union and Confederate troops camped on the property during the Civil War. Mr. Smith inquired about the condition of the property. Ms. Tingleer responded that they have stabilized the property including arresting the water intrusion at the building envelope; removal of the carpet; and reinforcement of the well house. Mr. Smith expressed gratitude for their confirmation of their stewardship priorities and expressed a desire to authorize staff to continue to work with the property owners toward a solution. Dr. Fairfax asked for clarification on the acreage of the property. Ms. Tingleer replied that about sixty acres are proposed for reforestation, with a goal of preserving the viewshed from the public right of way. Ms. Kim asked about the Tingleer's plan for the Tavern itself, the size, and clarified that it was leased for residential purposes previously. The owners replied they intended to rehabilitate the approximately 1,000-square foot building and provide public access, and has had multiple conversations with staff from the Piedmont Environmental Council in that vein. Mr. Smith confirmed the owners are suggesting transferring sixty acres of cultivatable land into hardwood saplings, as part of a long-term investment plan. Ms. Tingleer replied that the trees would reach maturity in 15-20 years; and that they viewed it as an investment for further conservation of the property. With the conservation program they wish to utilize, maintenance of the hardwood trees is required. Ms. Tingleer pointed out that in some definitions, agriculture and silviculture can include forestry and that the open agricultural field in question at various points of the year is planted in corn, which impacts the view.

Ms. Kim commended the property owners for their preparation and presentation. Dr. Fairfax asked if there was a Madden's Tavern highway marker. There is location signage, but not an official highway marker. At the suggestion of the Ms. Kim, the Board elected to go into Closed Session.

## **CLOSED SESSION**

**CLOSED SESSION PURSUANT TO SECTION 2.2-3711(A)(7)and A(8) OF THE CODE OF VIRGINIA PERTAINING TO LEGAL ADVICE REGARDING EASEMENT PROPERTY PROPOSAL FOR MADDEN'S TAVERN**

Mr. Smith made a motion to convene the Board in closed session; it was seconded by Dr. Fairfax. Chair Atkins-Spivey closed the open session and excused all members of the public at 1:38 p.m.

The Board returned to open session at 1:59 p.m. with a motion from Dr. Fairfax, which was seconded by Chair Atkins-Spivey. Each board member individually attested that only matters pertaining to legal advice regarding easement violations were discussed.



Chair Atkins-Spivey made a motion to authorize DHR staff to continue to negotiate with the owners the reforestation proposal and to bring this matter before the Board at the June meeting. The motion was seconded by Ms. Kim. The Board voted unanimously to approve the motion, with Mr. Fisher abstaining as he was present for only a portion of the presentation and discussion. Mr. Smith confirmed that this concluded the agenda items related to Madden's Tavern property.

Chair Atkins-Spivey made a motion to amend the posted agenda to address the Malvern Hill Farm reconsideration following the Morton-Sizemore House offer. Dr. Fairfax seconded the motion. The Board voted unanimously to approve the amended meeting agenda.

### **Easement Offer for Consideration**

Ms. Musumeci presented the following items for consideration:

**1. Morton-Sizemore House, Mecklenburg County**

Property Owner: Robert B. Lambeth Jr., Lynn Beebe Lambeth, Elizabeth Lambeth Gereau, Leonard A. Gereau

Acreage: 2.09 acres

Grant Funding: Not applicable

The Morton-Sizemore House is located in the town of Clarksville and sits on a lot containing approximately 2.09 acres of land. Fronting Virginia Avenue and 7<sup>th</sup> Street, the property is distinguished by the Morton-Sizemore House, a two-story, Queen Anne style frame dwelling built circa 1885. A one-story frame structure built circa 1890 and known as the former Moss Tobacco Factory office has been adapted for use as a residence in the late 1940s-early 1950s and is located to the south of the Morton-Sizemore House. The property is a contributing resource to the Clarksville Historic District, which was listed on the Virginia Landmarks Register and the National Register of Historic Places ("NRHP") in 2002. Additional outbuildings and improvements include a detached wood-frame shed/smokehouse (circa 1885), a dilapidated henhouse, wood rail fence, and an old well or ice house. The eastern half of the property is comprised of unimproved open-space land while the western half contains the domestic buildings and structures. The property is currently listed for sale, and the owners would like to place an easement on the property to protect it from demolition and insensitive restoration. There is currently a residential lease agreement on the Moss Tobacco Factory office.

The Easement Acceptance Committee recommends acceptance of the Morton-Sizemore House easement offer subject to the following conditions:

1. The easement prohibits division or subdivision of the property.
  - a. If the owners intend to retain the right to divide the property into two parcels, then the portion to be subdivided must be excluded from the easement area and clearly measured and identified on the boundary survey.
2. DHR reviews the final draft boundary survey before it is completed.
  - a. The easement boundaries must include roughly the entire western half of the property from Virginia Avenue to the rear (southern) boundary along Market Street.
3. The easement must be recorded prior to sale/transfer of the property.
4. If the existing lease for the Moss Tobacco Factory Office building will be valid at the time of easement recordation, then DHR will provide subordination language to be included in an amended lease, or the tenants must agree to sign the deed of easement and subordinate their rights as lessees to the easement.
5. The Office of the Attorney General is also in the process of reviewing all title documents provided for the property, including chain of title deeds, easements, and other recorded and unrecorded documents affecting title to the property. Based on this review of the title work, counsel may identify additional issues that require documentation or action.

#### **Comments Summary:**

There was no discussion. Chair Atkins-Spivey called for a motion to approve the easement offer as recommended by the Easement Acceptance Committee. Mr. Smith made a motion and it was seconded by Mr. Fisher. The Board voted unanimously to approve the easement offer as presented.

### **Easement Offer for Reconsideration**

Ms. Musumeci presented the following item for reconsideration:

**1. Malvern Hill Farm, Malvern Hill Battlefield, Henrico County**

Property Owner: Capital Region Land Conservancy

Acreage: 460 acres

Grant Funding: American Battlefield Protection Program, Virginia Battlefield Preservation Fund, Virginia Land Conservation Fund, Surry-Skiffes Creek Restricted Funds Grant

The Capital Region Land Conservancy ("CRLC") acquired the approximately 860 ± acre property known as Malvern Hill Farm on February 1, 2018. Of this, approximately 460 ± acres (the "property") are proposed to be placed under a perpetual conservation easement to held by the Virginia Board of Historic Resources ("Board"). American Battlefield Protection Program, Virginia Battlefield Preservation

Fund, Virginia Land Conservation Fund, and Surry-Skiffes Creek Restricted Funds grants were used toward fee-simple acquisition of the property. The property contains a variety of resources with historic, cultural, and archaeological significance, including land within the boundaries of four Civil War Battlefields as determined by the Civil War Sites Advisory Commission: (i) core and study areas of the Malvern Hill Battlefield (July 1862): Priority I.1 Class A rating; (ii) core and study areas of the Glendale Battlefield (June 1862): Priority I.3 Class B rating; (iii) core and study areas of the First Deep Bottom Battlefield (July 1864): Priority II.3 Class C rating; and (iv) study area of the Second Deep Bottom Battlefield (August 1864): Priority I.3 Class B rating. The *Report to Congress on the Historic Preservation of Revolutionary War and War of 1812 Sites in the United States* (2007) identifies Malvern Hill as a site associated with both the Revolutionary War and War of 1812. A portion of Malvern Hill Farm was also listed on the Virginia Landmarks Register and National Register of Historic Places in 1969, due in part to the architectural significance of the Malvern Hill House ruins. The property is currently used for residential, agricultural, and open-space purposes and a 400 ± acre portion will be transferred to Henrico County for future use as a public park. There are existing residential and agricultural leases on the property.

The Virginia Board of Historic Resources (“Board”) approved the easement offer for the Malvern Hill Farm at its March 16, 2017 meeting, subject to the following conditions:

1. A new plat of boundary survey is commissioned for the property that clearly identifies the easement boundaries. *Update: CRLC has provided an ALTA boundary survey for the entire property as well as a boundary survey identifying the easement area.*
2. The easement utilizes DHR’s standard easement template for Civil War battlefield properties. *Update: A draft deed of easement based on DHR’s standard template has been negotiated by CRLC, DHR, and Henrico County. The draft easement is currently being reviewed by the Office of the Attorney General.*
3. Continued negotiation between DHR and CRLC of the specific provisions, restrictions, and reserved rights to be included in the easement. *Update: A draft deed of easement based on DHR’s standard template has been negotiated by CRLC, DHR, and Henrico County. The draft easement is currently being reviewed by the Office of the Attorney General.*
4. Continued negotiation between DHR and CRLC to determine whether the 40 ± parcel in Charles City County will be subject to the VBHR easement. *Update: The portion of the property located in Charles City County contains approximately 60 ± acres. These 60 ± acres will be included in the easement.*
5. Any lease in effect at the time of easement recordation must be subordinated to the VBHR easement, and the following must occur:
  - a. DHR is provided with a copy of any lease agreement related to the property within thirty (30) days of execution of such agreement. *Update: CRLC provided copies of all current leases.*
  - b. DHR is provided with written documentation that any tenants occupying or using the property from the date of this letter forward have agreed to sign the deed and subordinate their interest to the easement. *Update: CRLC provided consent to subordinate documentation for all tenants.*
6. Review by DHR of all title work and lease agreements associated with the property. *Update: The Office of the Attorney General is currently reviewing all title work and associated documentation.*
7. Completion of the Section 106 Review pursuant to the National Historic Preservation Act of 1966 as required per the ABPP BLAG program. *Update: The Section 106 Review process is complete.*

All of the above conditions have either been satisfied or are still in process. During negotiations between DHR, CRLC, and Henrico County, some of the proposed terms and provisions to be included in the deed of easement changed from what was initially presented to the Board in March 2017. These include:

1. A 20’ foot setback along Route 5 and Carters Mill Road will be excluded from the Easement for potential widening/improvement of these roadways.
2. An additional 15 acres adjoining the property and recently acquired by CRLC will be added into the Easement.
3. The property may not be divided or subdivided into more than 4 parcels.
4. Historic Buildings & Structures to be maintained: the brick ruins of Malvern Hill, brick beehive well, c. 1914 Farm Manager’s House, circa 1945 frame two-bay garage associated with the Farm Manager’s House; c. 1700 brick ice house and kitchen; circa 1945 concrete block well house; c. 1942 frame well house; two c. 1945 concrete lane markers/piers with applied river stones; two c. 1945 concrete lane markers/piers with pyramidal caps; and two c. 1945 aggregate concrete lane markers/piers.
5. New outbuildings and structures such as a shed, kiosk, or other buildings or structures ancillary to the property’s use as a battlefield park or historic site, are permitted; aggregate footprint for these ancillary buildings and structures shall not collectively exceed 25,000 square feet in ground area.
6. The collective footprint of all buildings, structures, amenities and features on the property, including roads, trails and parking facilities shall not exceed two percent (2%) of the total area of the property.
7. The height of any permitted new building, structure or amenity shall not exceed 30 feet measured from ground level to the highest point. Grantee may approve a height greater than 30 feet on a case by case basis.
8. Use of the following definition for impervious surface: “The term ‘impervious surface’ shall mean a surface composed of any material that significantly impedes or prevents infiltration of water into soil. Impervious surfaces include, but are not limited to, roofs, buildings, streets, parking areas, and any concrete, asphalt, or compacted gravel surface, unless Grantor can show natural infiltration of water through such surfaces subject to Grantee approval.”
9. Grantor may construct, install, and maintain temporary signs not to exceed 30 consecutive days in duration without prior written approval of Grantee.
10. A 100-foot wide riparian buffer will be maintained on the banks of Crewes Channel and Turkey Island Creek.
11. CRLC will terminate the hunting license with members of Malvern Hill, L.C. prior to recordation of the Easement.

12. The Office of the Attorney General is also in the process of reviewing all title documents provided for the property, including chain of title deeds, easements, and other recorded and unrecorded documents affecting title to the property. Based on this review of the title work, counsel may identify additional issues that require documentation or action.

The Easement Acceptance Committee recommends acceptance of the Malvern Hill Farm easement offer subject to these revised conditions.

**Comments Summary:**

Mr. Smith requested additional information regarding the hunting license condition. Brian Watson, of Capital Region Land Conservancy (CRLC), confirmed that this is a previously existing agreement with the current owner, but the termination of all leases will occur before the easement is recorded, in fact almost immediately. Mr. Fisher confirmed that this would affect the entire easement and that easement staff was satisfied with the terms as presented.

Chair Atkins-Spivey called for a motion to approve the easement reconsideration as recommended by the Easement Acceptance Committee. Mr. Smith made a motion, which was seconded by Dr. Fairfax. The Board voted unanimously to approve the reconsideration as presented.

### **Easement Offer for Consideration**

Ms. Musumeci presented the following items for consideration:

- 1. Battlefield Bluffs, Yorktown Battlefield, York County**

Property Owner: Battlefield Bluffs LLC, Under Contract to Civil War Trust ("CWT")

Acreage: 46.72 ±

Grant Funding: Surry-Skiffes Creek Restricted Funds Grant, American Battlefield Protection Program

Comprised of three tax parcels fronting Crawford Road (Route #637) near Yorktown in York County, the Battlefield Bluffs Tract contains approximately 46.72 acres of land. Two of the parcels are contiguous, while one parcel is separated from the others by a narrow strip of land belonging to the National Park Service. Consisting primarily of wooded cover, the property shares its boundary with the Colonial National Historical Park on three sides. A small outparcel fronting Crawford Road is improved with a circa 1961 residential dwelling, gravel driveway, and residential well and septic. CWT has executed an option agreement to purchase the property in fee simple, with closing anticipated in August 2018. The organization has applied for an American Battlefield Protection Program grant based on the property's Revolutionary War significance. CWT was also awarded a Surry-Skiffes Creek Restricted Funds grant to assist with acquisition of the property. Conveyance of an easement is a requirement of both grant programs. After placing an easement on the property, CWT intends to demolish any non-historic structures within three years of easement recordation, and use the property for battlefield interpretation and open-space purposes. Long-term plans include possible transfer of the property to the National Park Service.

The Easement Acceptance Committee recommends acceptance of the Battlefield Bluffs easement offer subject to the following conditions:

1. Provide DHR with the final draft boundary survey for review prior to its completion.
2. Demolition of non-historic buildings and structures and rehabilitation or restoration of the landscape shall be conducted according to a written management plan negotiated jointly by CWT and DHR, and incorporated into the easement either directly or by reference.
3. Although an email from the York County Planning Department was provided with the application, DHR requests a letter from York County regarding the consistency of the easement with the comprehensive plan.
4. Confirmation from the American Battlefield Protection Program that the continued residential use of the property does not conflict with the Section 6(f)(3) restrictions that will be written into CWT's deed acquiring the property.
5. Any lease in effect at the time of easement recordation must be amended to contain subordination language provided by DHR or the tenant must agree to sign the easement and subordinate their interest in the property.
6. Review of all title work by the Office of the Attorney General, including title commitment, chain of title deeds, easements, and other recorded and unrecorded documents affecting title to the property. Based on this review of the title work, counsel may identify additional issues that require documentation or action.

**Comments Summary:**

Mr. Smith observed that this was a Revolutionary War site under contract to the CWT. Mr. Gilmore of CWT confirmed this and explained that the National Park Service requested CWT's involvement in preservation of battlefields outside of those with Civil War significance. Chair Atkins-Spivey made a motion to approve the easement offer as recommended by the Easement Acceptance Committee. It was seconded by Ms. Kim. The Board voted unanimously to approve the Battlefield Bluffs easement offer as presented.

- 2. Huntfield Tract, Yorktown Battlefield, York County**

Property Owner: Huntfield, LLC, Under Contract to Civil War Trust (“CWT”)

Acreage: 2.79 ±

Grant Funding: Surry-Skiffes Creek Restricted Funds Grant, American Battlefield Protection Program

Comprised of three tax contiguous parcels fronting Crawford Road (Route #637) near Yorktown in York County, the Huntfield Tract contains approximately 2.79 acres of land. The property is currently vacant, unimproved land entirely in wooded cover. It shares its northern boundary with Colonial National Historical Park while Crawford Road forms the southern boundary. A large designated wetlands area is centrally located on the tract, and the entire property is within the 500-foot York County Watershed Management and Protection Area Overlay District. Great Run Stream also bisects the eastern corner of the property. CWT has executed an option agreement to purchase the property in fee simple, with closing anticipated in August 2018. The organization has applied for an American Battlefield Protection Program grant based on the property’s Revolutionary War significance. CWT was also awarded a Surry-Skiffes Creek Restricted Funds grant to assist with acquisition of the property. Conveyance of an easement is a requirement of both grant programs. After placing an easement on the property, CWT intends to use the property for battlefield interpretation and open-space purposes. Long-term plans include possible transfer of the property to the National Park Service.

The Huntfield Tract is located within the boundaries of the Revolutionary War Battle of Yorktown, which has been given a rating of Priority I Class A in the *Report to Congress on the Historic Preservation of Revolutionary War and War of 1812 Sites in the United States* (2007). The Priority I category includes Class A and B sites with medium or high short or long-term threats. These sites need immediate preservation or may be lost. Class A is for sites of a military or naval action with a vital objective or result that shaped the strategy, direction, outcome, or perception of the war. The Huntfield Tract is also within the boundaries of the Colonial National Historical Park Yorktown Unit/Yorktown Historic District, which was listed on the National Register of Historic Places in 1966 and the Virginia Landmarks Register in 1973. Finally, the Huntfield Tract is located within the core area of the Civil War Battle of Yorktown, which has been given a Preservation Priority Rating of III.2 Class B by the Civil War Sites Advisory Commission.

The Easement Acceptance Committee recommends acceptance of the Huntfield Tract easement offer subject to the following conditions:

1. Provide DHR with the final draft boundary survey for review prior to its completion.
2. Although an email from the York County Planning Department was provided with the application, DHR requests a letter from York County regarding the consistency of the easement with the comprehensive plan.
3. Review of all title work by the Office of the Attorney General, including title commitment, chain of title deeds, easements, and other recorded and unrecorded documents affecting title to the property. Based on this review of the title work, counsel may identify additional issues that require documentation or action.

#### Comments Summary:

There was no discussion. Chair Atkins-Spivey called for a motion to approve the easement offer as recommended by the Easement Acceptance Committee. Mr. Fisher made a motion and it was seconded by Mr. Smith. The Board voted unanimously to approve the Huntfield Tract easement offer as presented.

### **3. Pepmeier Tract, Deep Bottom I and II Battlefields, Henrico County**

Property Owner: Erwin H. Pepmeier and Wilhelmina Summers, Trustees of The Billie Summers Living Trust, Under Contract to Civil War Trust (“CWT”)

Acreage: 93.86 ±

Grant Funding: American Battlefield Protection Program

Located along Yahley Mill and Darbytown Roads in the eastern portion of Henrico County, the Pepmeier Tract contains approximately 93.86 acres of land. Comprised primarily of wooded cover, the majority of the property is unimproved land with a history of residential, commercial timbering, and agricultural uses. In addition to the site of a former dwelling, the property contains several areas of wetlands and a portion of a small creek. The property is improved with a 960 square foot brick building that serves as a communications hub for the MediaOne/Comcast company. The associated commercial lease incorporates a 5,000 square foot area with 47 years remaining on the lease. CWT executed a purchase agreement for fee-simple acquisition of the property in May 2017 and closing has not yet occurred. The organization has applied for an American Battlefield Protection Program grant to assist with acquisition. Conveyance of an easement is a requirement of both grant programs. After placing an easement on the property, CWT intends to use the property for Civil War battlefield site interpretation and open-space purposes.

The property contains approximately 82.8 acres within the core area of the Deep Bottom II Battlefield, which has been given a Preservation Priority Rating of I.3 Class B by the Civil War Sites Advisory Commission (“CWSAC”). The property also contains approximately 52.72 acres within the study area of the First Deep Bottom Battlefield, which has been given a Preservation Priority Rating of II.3 Class C by the CWSAC.

Complexities identified by Easement staff include:

1. The property is encumbered by a lease to MediaOne/Comcast with approximately 47 years remaining. The terms of the lease conflict with provisions of the conservation easement.

2. Per a letter from the Henrico County Planning Department dated February 16, 2018, the County Comprehensive Plan incorporates potential widening or improvement of Yahley Mill Road and Darbytown Road.

The Easement Acceptance Committee recommends acceptance of the Pepmeier Tract easement offer subject to the following conditions:

1. CWT provided a preliminary boundary survey of the property prepared by Shadrach & Associates and dated February 21, 2018. The Committee requested the survey be revised to show the following:
  - a. The boundary survey locates the three Virginia Electric and Power Company easements that encumber the property.
  - b. The area needed for the proposed widening of Yahley Mill Road and Darbytown Road (as identified in a letter from Henrico County dated February 16, 2018) should be excluded from the total conservation easement acreage. The excluded area must be measured and clearly identified on the survey as excepted from the conservation easement.
  - c. The 5,000 square foot area subject to the MediaOne/Comcast Site Agreement is excluded from the conservation easement. The excluded area must be measured and clearly identified on the survey as excepted from the conservation easement.
2. DHR reviews the final draft of the boundary survey before completion.
3. The Office of the Attorney General will conduct a final review of the boundary survey and all updated title documents. Based on this review of the title work, counsel may identify additional issues that require documentation or action.

**Comments Summary:**

Mr. Smith confirmed the number of trees planted per acre. Mr. Fisher agreed that the quantity planted seemed low.

Chair Atkins-Spivey called for a motion to approve the easement offer as recommended by the Easement Acceptance Committee. Mr. Smith made a motion and it was seconded by Ms. Kim. The Board voted unanimously to approve the Pepmeier Tract easement offer as presented.

**4. Bowyer Tract, Deep Bottom II, Glendale, and Savage's Station Battlefields, Henrico County**

Property Owner: Elizabeth Ellen Bowyer, Under Contract to Civil War Trust ("CWT")

Acreage: 35.945 ±

Grant Funding: American Battlefield Protection Program, Virginia Battlefield Preservation Fund

Located along Yahley Mill Road in the eastern portion of Henrico County, the Bowyer Tract contains two contiguous tax parcels totaling approximately 35.9 acres. Comprised primarily of open-space land in wooded cover, a roughly 4-acre portion of the property is used for residential purposes. Existing improvements associated with this use include a circa 1937 dwelling, barn, wells, and multiple storage sheds. Access is via a gravel drive connecting to a 15-foot Old Farm Road that leads to Yahley Mill Road. Natural and man-made wetlands are located in the north-central portion of the property, as well as an unnamed intermittent stream associated with Bailey Creek. Historic aerial images indicate the property was once used for agricultural crop production. A large 200-foot wide utility corridor with overhead transmission lines and poles bisects the property. CWT was awarded a Virginia Battlefield Preservation Fund grant to assist with acquisition of the property and has applied for an American Battlefield Protection Program grant as match. Conveyance of an easement is a requirement of both grant programs. CWT intends to remove the non-historic buildings and structures within three years of recordation of the easement and use the property for Civil War battlefield site interpretation and open-space purposes.

The property contains approximately 35.9 acres of land within the core area of the Deep Bottom II Battlefield, which has been given a Preservation Priority Rating of I.3 Class B by the Civil War Sites Advisory Commission ("CWSAC"). The property contains approximately 25.36 acres of land within the study area of the Glendale Battlefield, given a Preservation Priority Rating of I.3 Class D by the CWSAC.

Easement staff identified the following complexities:

1. The property is currently accessed via a 15-foot wide Old Farm Road, which is outside of the property boundary and has an undetermined ownership.
2. The property is bisected by two (2) 100-foot wide VEPCO utility easements with overhead transmission lines and poles.
3. Other encumbrances identified on title commitment include: two additional easements granted to Virginia Electric and Power Company.
4. Per a letter from the Henrico County Planning Department dated February 16, 2018, the County Comprehensive Plan incorporates potential widening or improvement of Yahley Mill Road.

The Easement Acceptance Committee recommends acceptance of the Bowyer Tract easement offer subject to the following conditions:

1. CWT provided a preliminary boundary survey of the property prepared by Shadrach & Associates and dated October 24, 2017. The Committee requested the following revisions be made to the survey:
  - a. The utility corridor that bisects the property should be excluded from the total conservation easement acreage. This includes the two (2) 100-foot wide Virginia Electric and Power Company easements as identified on the boundary survey. The excluded area must be measured and clearly identified on the survey as excepted from the conservation easement.
  - b. The area needed for the proposed widening of Yahley Mill Road should be excluded from the total conservation easement acreage. The excluded area must be measured and clearly identified on the survey as excepted from the conservation easement.

- c. DHR reviews the final draft of the boundary survey before completion.
2. The 15' wide Old Farm Road which is outside of the property boundary but used to access the property, still has an undetermined ownership. If ownership remains undetermined, CWT shall ask the title company to insure access over the Old Farm Road to the property
3. Demolition of non-historic buildings and structures and rehabilitation or restoration of the landscape shall be conducted according to a written management plan negotiated jointly by CWT and the DHR, and incorporated into the easement either directly or by reference.
4. Any lease in effect at the time of easement recordation must be amended to contain subordination language provided by DHR or the tenant must agree to sign the easement and subordinate their interest in the property.
5. The Office of the Attorney General will conduct a final review of the boundary survey and all updated title documents. Based on this review of the title work, counsel may identify additional issues that require documentation or action.

Comments Summary:

Dr. Fairfax left the meeting at 2:39 p.m. and returned at 2:42 p.m.

Chair Atkins-Spivey called for a motion to approve the easement offer as recommended by the Easement Acceptance Committee. Mr. Smith made a motion and it was seconded by Ms. Kim. The Board voted unanimously to approve the Bowyer Tract easement offer as presented.

**5. West Woods Tract, Winchester Battlefields, Frederick County**

Property Owner: Shenandoah Valley Battlefields Foundation ("SVBF")

Acreage: 4.5 ±

Grant Funding: American Battlefield Protection Program

In 2017, SVBF conveyed an easement over a 26.29 acre portion of the West Woods Tract to the Virginia Board of Historic Resources (the "Easement"). SVBF is now proposing to amend the Easement to include 4.5 acres of adjoining land comprised of 4 contiguous tax parcels. Each tax parcel contains 1.125 acres. The property is currently used for open space and public recreation purposes, and is within the Shenandoah Valley National Heritage Area. It is primarily wooded with some cleared areas of grass and scrub near the southeastern border. Access to the property is via Getty Lane (owned by SVBF) or via SVBF's "Battle of Winchester Trail," which links the property to the adjacent Third Winchester Park. SVBF acquired the larger 30-acre property in April 2016. They have been awarded grant funding by the American Battlefield Protection Program ("ABPP") to place the remaining 4.5 acres under easement. Conveyance of a conservation easement is a requirement of the grant. SVBF plans to use the property for open-space, public recreation, and battlefield site interpretation purposes. The property will be regularly open to the public. SVBF installed a commemorative monument on the property in May 2017 at the trailhead to the battlefield park.

The West Woods Tract is within the core area of the Winchester (Opequon) Battlefield, which has been given a Preservation Priority Rating of I.3 Class A by the Civil War Sites Advisory Commission ("CWSAC"). The property is also within the study area of the Winchester II Battlefield, which has been given a Preservation Priority rating of IV.1 Class B.

The Easement Acceptance Committee recommends acceptance of the West Woods Tract easement offer subject to the following conditions:

1. The commemorative monument is excluded from the conservation easement.
  - a. The excluded area must be measured and clearly identified on the boundary survey as excepted from the conservation easement and DHR must review the final draft of the boundary survey before completion.
2. The Office of the Attorney General will be provided all title work for the property described above, including title commitment, chain of title deeds, easements, and other recorded and unrecorded documents affecting title to the property. Per this review of the title work, counsel may identify additional issues that require documentation or action.

Comments Summary:

There was no discussion. Mr. Smith made a motion to approve the easement offer as recommended by the Easement Acceptance Committee. Chair Atkins-Spivey seconded the motion. The Board voted unanimously to approve the easement offer as presented.

Ms. Wilson Green presented the following items for consideration:

**6. Vaughan Tract, Appomattox County**

Property Owner: Sarah C. Vaughan, Under Contract to Civil War Trust

Acreage: 7.52 ±

Grant Funding: American Battlefield Protection Program, Virginia Battlefield Preservation Fund

Located along Oakleigh Road just east of the Appomattox Court House area, the Vaughan Tract is comprised of one tax parcel containing 7.52 acres of land. The property is currently used for residential purposes. It is primarily wooded with cleared areas near the southeastern boundary and in the central portions of the property. Existing improvements associated with residential use include a circa 1962 brick

dwelling with full basement, work shop, sheds, and chicken coops, as well as residential well and septic, cement sidewalk, and a propane above-ground storage tank. CWT executed a purchase agreement for fee-simple acquisition of the property in May 2017 and closing has not yet occurred. CWT was awarded a Virginia Battlefield Preservation Fund grant to assist with acquisition of the property and has applied for an American Battlefield Protection Program grant as match. Conveyance of an easement is a requirement of both grant programs. After conveying an easement on the property, CWT plans to lease the property to the current owner for up to eight (8) years. After expiration or termination of the lease, CWT intends to demolish the non-historic residential structures within three (3) years and use the property for open space and battlefield site interpretation purposes. Long-term plans include possible transfer of the property to the National Park Service.

The Vaughan Tract is located entirely within the core area of the Appomattox Courthouse Battlefield, which has been given a Preservation Priority Rating of III.1 Class A by the Civil War Sites Advisory Commission (“CWSAC”).

Easement staff identified the following complexities:

1. Encumbrances include one utility easement granted to Central Virginia Electric Cooperative in September 1993.
2. Property is subject to an eight (8) year lease-back agreement with the current owner.

The Easement Acceptance Committee recommends acceptance of the Vaughan Tract easement offer subject to the following conditions:

1. The lease-back period with the seller shall not exceed a three (3) to five (5) year term.
  - a. All non-historic residential dwellings and structures shall be demolished upon expiration or termination of the lease.
  - b. Demolition of non-historic buildings and structures and rehabilitation or restoration of the landscape shall be conducted according to a written management plan negotiated jointly by CWT and the DHR, and incorporated into the easement either directly or by reference.
  - c. Any lease in effect at the time of easement recordation must contain subordination language provided by DHR or the tenant must agree to sign the easement and subordinate their interest in the property.
2. Completion of a current boundary survey of the property.
  - a. Provide DHR with a copy of the draft boundary survey for review.
3. DHR receives written correspondence from Appomattox County regarding the consistency of the easement with the comprehensive plan.
4. Review of all title work by the Office of the Attorney General, including title commitment, chain of title deeds, easements, and other recorded and unrecorded documents affecting title to the property. Based on this review of the title work, counsel may identify additional issues that require documentation or action.

#### Comments Summary:

There was no discussion. Chair Atkins-Spivey made a motion to approve the easement offer as recommended by the Easement Acceptance Committee. The motion was seconded by Mr. Fisher. The Board voted unanimously to approve the Vaughan Tract easement offer as presented.

#### **7. Wilson Tract, Trevilian Station Battlefield, Louisa County**

Property Owner: Chase H. Wilson, Under Contract to Civil War Trust (“CWT”)

Acreage: 12.46 ±

Grant Funding: American Battlefield Protection Program, Virginia Battlefield Preservation Fund

Located along Louisa Road (U.S. Route 33), to the west of the Louisa Courthouse area, the Wilson Tract contains one tax parcel totaling 12.46 acres of land. The property is currently used for open-space purposes, with a history of residential use. It is primarily wooded with a cleared area near the northwestern property boundary. Existing improvements associated with prior residential use include one metal shed and one wood and metal shed, as well as residential well and septic. The property also contains a concrete pad that supported a residential trailer, which was removed from the property in 2007. An intermittent stream associated with Harris Creek bisects the southern portion of the property. CWT executed a purchase agreement for fee-simple acquisition of the property in November 2017 with closing anticipated in May 2018. CWT intends to apply for a Virginia Battlefield Preservation Fund grant to assist with acquisition of the property and has applied for an American Battlefield Protection Program grant as match. Conveyance of an easement is a requirement of both grant programs. After conveying an easement on the property, CWT plans to demolish the existing non-historic structures within three (3) years and use the property for open space and battlefield site interpretation purposes.

The Wilson Tract is located within the core area of the Trevilian Station Battlefield, which has been given a Preservation Priority Rating of II.2 Class B by the Civil War Sites Advisory Commission (“CWSAC”).

Easement staff identified the following complexities:

1. Encumbrances included three utility easements granted to C&P Telephone Company of Virginia (October 1966), Virginia Electric and Power Company (April 1949), and Virginia Public Service Company (April 1931).
2. Property was last surveyed in 1969.
3. Property is currently subject to a life estate granted to Darlene Wilson (former owner) in DB 1006 PG 925. The title commitment notes that Darlene Wilson must join the deed of conveyance between the current owner and CWT in order to extinguish the life estate.

The Easement Acceptance Committee recommends acceptance of the Wilson Tract easement offer subject to the following conditions:

1. The existing boundary survey dates to 1969. Therefore, a current boundary survey that locates the three utility easements that encumber the property is required. The Committee also suggested that CWT combine the Wilson Tract and the adjoining Mays Tract into one easement with one boundary survey that incorporates both properties.
2. Demolition of non-historic buildings and structures and rehabilitation or restoration of the landscape shall be conducted according to a written management plan negotiated jointly by CWT and the DHR, and incorporated into the easement either directly or by reference.
3. Provide DHR with written correspondence from the Louisa County planning office regarding the consistency of the easement with the comprehensive plan.
4. Review of all title work by the Office of the Attorney General, including title commitment, chain of title deeds, easements, and other recorded and unrecorded documents affecting title to the property. Based on this review of the title work, counsel may identify additional issues that require documentation or action.

Comments Summary:

Mr. Smith confirmed the conflict between CWT's lack of intention to resurvey the property, and DHR requiring a new property survey could be resolved. Chair Atkins-Spivey called for a motion to approve the easement offer as recommended by the Easement Acceptance Committee. Mr. Smith made a motion and it was seconded by Mr. Fisher. The Board voted unanimously to approve the easement offer as presented.

**8. Tiger Camp (Schreiner) Tract, Port Republic Battlefield, Rockingham County**

Property Owner: Stephen T. Schreiner, Under Contract to Shenandoah Valley Battlefields Foundation ("SVBF")

Acreage: 19.035 ±

Grant Funding: DuPont-Waynesboro Natural Resource Damage Assessment and Restoration Settlement grant

The Tiger Camp Tract, located just northeast of the village of Port Republic, is comprised of two tax parcels totaling 19.035 acres. The property is currently used as a secondary residential vacation property as well as for open-space and agricultural purposes (cattle grazing). It consists primarily of open, grassy fields with wooded areas in the northern and eastern parts of the tract. The property is visible from Jackson's Way (Route 955), which bisects the larger parcel, and Tiger Camp Road (Route 1604), which are public rights-of-way. Existing improvements associated with residential use include a circa 1938 dwelling, circa 1938 frame barn, circa 1958 concrete-block garage, two (2) frame sheds, one small and one large metal shed, cistern, above-ground oil storage tank, and residential well and septic. The property also contains frontage on both the South Fork of the Shenandoah River and Madison's Run, a tributary of the Shenandoah River. SVBF executed a contract to purchase the Tiger Camp Tract in fee simple on December 2, 2017, with closing projected to be March 31, 2018. SVBF was awarded a DuPont-Waynesboro Natural Resource Damage Assessment and Restoration Settlement grant, which is managed by the Virginia Land Conservation Foundation. Funding will cover fee-simple acquisition of the property as well as the installation of best management practices for improving water quality. This includes planting of a 520-foot wide buffer along the river and stream. Placement of a conservation easement on the property is a requirement of the grant. After conveying an easement on the property, SVBF plans to retain the dwelling and agricultural buildings for use as rental property, employee housing, or for interpretation purposes. They intend to remove the two modern metal sheds.

The Tiger Camp Tract is located entirely within the core area of the Port Republic Battlefield, which has been given a Preservation Priority Rating of II.3 Class B by the Civil War Sites Advisory Commission ("CWSAC"). The Tiger Camp Tract is within the Shenandoah Valley Battlefields National Heritage Area.

Easement staff identified the following complexities:

1. Jackson's Way (Route 955) bisects the property and includes a 30-ft. right-of-way.
2. Encumbrances include: two utility easements granted to Continental Telephone Company of Virginia (August 1983) and Virginia Electric and Power Company (August 1957), as well as two right-of-way easements granted in 1997 and 1938.

The Easement Acceptance Committee recommends acceptance of the Tiger Camp Tract easement offer subject to the following conditions:

1. Submit the draft ALTA survey for review by DHR Easement Staff prior to its completion.
2. Demolition of non-historic buildings and structures and rehabilitation or restoration of the landscape shall be conducted according to a written management plan negotiated jointly by CWT and the DHR, and incorporated into the easement either directly or by reference.
  - a. DHR staff may also need to document through a site visit the existing buildings and structures on the property prior to drafting the management plan outlined above. If necessary, this information will be presented to DHR's Architectural Evaluation Team to determine whether any of these buildings and structures retain historic significance and integrity and therefore warrant protection as historic resources in the easement.
3. Any lease in effect at the time of easement recordation must be amended to contain subordination language provided by DHR or the tenant must agree to sign the easement and subordinate their interest in the property.
4. Submit a letter from Rockingham County regarding the consistency of the easement with the current comprehensive plan.



5. The Office of the Attorney General will be provided all title work for the property described above, including title commitment, chain of title deeds, easements, and other recorded and unrecorded documents affecting title to the property. Per this review of the title work, counsel may identify additional issues that require documentation or action.

Comments Summary:

Mr. Smith clarified the additional water quality requirement and confirmed the property is not a superfund site. Chair Atkins-Spivey made a motion to approve the easement offer as recommended by the Easement Acceptance Committee. The motion was seconded by Mr. Fisher. The Board voted unanimously to approve the easement offer as presented.

Ms. Musumeci presented the following item for consideration:

**9. Turner Tract, North Anna Battlefield, Hanover County**

Property Owner: William M. Turner Jr., Daniel B. Turner, and Meredith T. Hall, Under Contract to Civil War Trust ("CWT")

Acreage: 123.16 ±

Grant Funding: American Battlefield Protection Program, Virginia Land Conservation Fund

Located along Washington Highway (U.S. Route 1) in the central portion of Hanover County, the Turner Tract contains one tax parcel totaling approximately 123.16 acres of land. The property was most recently used for agricultural, residential, and open-space purposes. Residential improvements include a circa 1839 dwelling known as the "Fox House" or "Ellington," as well as a one-story building that was used as a school prior to the Civil War, and has since been adapted for use as a residence. Access to the property is via a centrally located gravel drive leading from Washington Highway. The extreme northern and southern portions of the tract are primarily wooded, while the center consists of cleared agricultural land. Along its northern boundary, the property fronts the North Anna River, a designated Virginia Scenic River. In addition, the property contains a portion of Bull Run Creek as well as five acres of wetlands and one large pond. CWT executed a purchase agreement for fee-simple acquisition of the Turner Tract in July 2017 with the date of closing projected to be on or before January 31, 2018. CWT was awarded a Virginia Land Conservation Fund grant to assist with acquisition of the property and has applied for an American Battlefield Protection Program grant as match. Conveyance of an easement is a requirement of both grant programs. CWT intends to rehabilitate the historic buildings and structures and use property for Civil War battlefield site interpretation and open-space purposes.

The property contains approximately 123.16 acres of land within the core area of the North Anna Battlefield, which has been given a Preservation Priority Rating of I.3 Class B by the Civil War Sites Advisory Commission ("CWSAC"). Built circa 1839, the Fox House (or Ellington) is a two-story brick dwelling situated on a raised basement. The exterior features Flemish-bonded brick on the front elevation, and five-course American bond on the sides and rear. Distinguished by symmetrical three-bay façade, the primary (front) elevation contains a single-bay porch supported by fluted posts. Other notable features include a hipped roof is covered in standing seam metal, twin brick chimneys and symmetrically arranged six over six light windows. The front entrance features a single-leaf, five-paneled door flanked by three side lights with panels below. The west elevation features a circa 1980s two-story brick addition with an attached sunroom that extends to the west of the addition. The interior of the dwelling features an "L" shaped hall/parlor design that runs east to west, and the interior winder stairs are enclosed on the south side of the hall. Simple wood mantels with squared bracketed posts and tiered shelves as well as decorative door and window trim are located throughout the dwelling.

The circa 1839 dependency (which was historically used as a school for boys) is a two-story brick building situated on a low basement. The bricks are laid in a five-course American bond and the building features a symmetrical three-bay façade with a hipped roofed covered in wood shingles. Two exterior end chimneys flank the north and south elevations. Interior features include a small landing in the entrance with rooms to the north and south. DHR's Architectural Evaluation Team found the property eligible for listing on the Virginia Landmarks Register. However, the full nomination and listing process has not been completed.

The Easement Acceptance Committee recommends acceptance of the Turner Tract easement offer subject to the following conditions:

1. Until such time as the historic dwellings on the property are rehabilitated or restored, they should be maintained in a weather-tight, stable condition to ensure that they are not exposed to the elements/weather and historic fabric is preserved and protected. Any stabilization or mothballing activity shall be completed in accordance with the *National Park Service publication entitled Preservation Brief #31: Mothballing Historic Buildings*.
2. The property is listed on the Virginia Landmarks Register.
3. The easement must contain restrictions that protect both the exterior and interiors of the historically significant buildings and structures on the property, including an affirmative obligation to maintain the buildings and structures as well as prior review and approval of any proposed alterations, extensions, or modifications.
4. The property contains 1,278 feet of frontage on the North Anna River and a portion of Bull Run Creek, which flows into the North Anna River. The easement must contain a provision requiring a minimum 50-foot riparian buffer and limiting development and livestock access along the River and Bull Run Creek.
5. The property is currently subject to a verbal agricultural lease on approximately 60 acres. Any leases, whether residential or agricultural, must be in writing and contain subordination language provided by DHR.

6. The Office of the Attorney General will conduct a final review of the boundary survey dated December 18, 2017 and all updated title documents, including evidence of release of all judgements and liens on the property. Based on this review of the title work, counsel may identify additional issues that require documentation or action.

#### Comments Summary:

Mr. Smith asked what the CWT's rehabilitation plan intended. Tom Gilmore, CWT, explained that the immediate goal is to acquire the property and stabilize the structure; following that, the property would be open to private acquisition. Chair Atkins-Spivey inquired of the sale price. Mr. Gilmore stated CWT would be willing to give the buildings to someone who would rehabilitate them. Ms. Musumeci added that the new owner could utilize the rehabilitation tax credit program. Mr. Fisher asked if the property would continue to be farmed or forested. The land would continue to be farmed. Mr. Smith clarified that CWT was allowed to transfer the property after recording the easement. Ms. Musumeci explained that different grants have different requirements. Mr. Smith requested a digital copy of the power point presentation for this property.

Chair Atkins-Spivey made a motion to approve the easement offer as recommended by the Easement Acceptance Committee. The motion was seconded by Mr. Fisher and Mr. Smith. The Board voted unanimously to approve the offer as presented.

### **Easement Offer for Reconsideration**

Ms. Musumeci presented the following item for reconsideration:

#### **1. Boxerwood, Rockbridge County**

Property Owner: Boxerwood Education Association, Incorporated

Acreage: 15.462 ±

Grant Funding: Virginia Land Conservation Fund

Boxerwood is located less than one mile from the Lexington city limits, in a semi-rural setting that has transitioned over the last fifty years from open farmland into more densely developed residential lots. Accessed via a gravel drive from Ross Road (Route 687), the 15.46-acre property is comprised of 7 tax parcels. The Boxerwood Education Association ("BEA") manages the property, known as the Boxerwood Nature Center and Woodland Garden, as a nature center focused on environmental education, development of natural ecosystems, natural resource conservation, and implementation of riparian buffer systems. Historic improvements related to prior residential and agricultural uses, include the Munger Lodge and Orchard House, both of which buildings are architecturally significant for their Modernist design, as well as an early twentieth century frame barn, concrete springhouse, and manmade pond. Boxerwood is individually listed on the Virginia Landmarks Register and the National Register of Historic Places. The entire property is used as an outdoor classroom in support of environmental educational programs for local public school systems and are available for public meetings and events sponsored by the BEA and its partners. Although originally constructed as a residence, the interior of Munger Lodge is utilized today as a visitor's center, as well as for BEA office space and as a meeting facility. Orchard House is leased to residential tenants. The property is open seven days a week for access and use by the general public.

The Virginia Board of Historic Resources ("Board") convened on December 10, 2015 and recommended acceptance of the easement, subject to the following conditions:

1. Continued negotiation of specific details regarding the proposed 10-acre building envelope, including its location and/or siting, size, and permitted new construction within the building envelope.
2. Continued negotiation of the size (e.g. square footage allotment) of the proposed new residential dwelling and any accessory residential buildings and structures.

#### Updates to these conditions include:

- DHR Easement Staff and BEA continued to negotiate the terms and provisions of the easement (see below). The easement does not include a provision establishing a 10-acre building envelope.
- BEA made the following changes: Additional signage and new fence (made of bamboo reeds) installed in the parking area; Multiple drainage swales installed throughout the property, mainly leading from the parking area down to the "Fairy Forest"; small silt pond installed at base of drainage swale near Fairy Forest; New trail in the children's play area; New wooden "activity" shed built in Fairy Forest; Repairs were made to the roofline of the main house to address some leakage issues; Sections of the floorboards inside the main house (in what was the living room area) have been replaced; New wooden stage (for entertainment) built outside of the main house; New shed-roof overhang added to the barn using identical recycled materials (wooden beams and standing seam metal)
- Staff made a site visit to the property in February 2018 to document existing conditions on the property.
- All title work associated with the property was reviewed by the Office of the Attorney General.
- Board approval for the Boxerwood easement offer expired in December 2017. Because the Board's approval has expired and the conditions for approval have changed, staff is presenting the easement offer again to the Board for its reconsideration.

Staff recommends acceptance of the following revised easement terms:

1. Permits one dwelling no greater than 4,500 square feet to replace Munger Lodge, and one dwelling no greater than 1,200 square feet to replace Orchard House if one or both are destroyed pursuant to the Destruction provision of the Easement.
2. Permits residential buildings, structures, and amenities accessory to Munger Lodge.
3. Permits permanent footers, bases, or supports for outdoor sculptures and art installations, provided they shall in no way physically impact, be attached to or alter the historic buildings, structures, amenities or features on the property or significantly alter the topography or historic setting of the property.
4. Permits other buildings, structures, amenities, or features the existence of which are consistent with the terms of the Easement.
5. Permits no more than one new building or structure that is individually greater than 2,000 square feet in ground area, provided such building or structure does not exceed 4,500 square feet in ground area.
6. Collective footprint of all buildings, structures, amenities and features on the property, including impervious surfaces, shall not exceed 4% of the total area of the property.
7. Existing buildings, structures, features and amenities within the Play Trail may be changed, modified, altered and expanded without prior written approval, provided that such changes are consistent with the height limitation set forth in the easement. No new buildings, structures, features or amenities may be built, constructed, or erected within the Play Trail without prior written approval.
8. Existing outdoor sculptures and art installations may be changed, modified, altered and replaced without the prior written approval of Grantee. Any additional outdoor sculptures and art installations that require ground disturbance and/or the construction of permanent footers, bases or supports requires prior written approval.
9. A 35-foot vegetated buffer strip shall be maintained along the edge of the Old Pond and the New Pond.

**Comments Summary:**

Mr. Smith expressed concern that the conditions suggest significant review and approval on the part of the owner and DHR easement staff. Ms. Musumeci assured the Board this was standard language and did not result in staff micromanaging the property. Mr. Smith clarified that the prior issue with the title was resolved.

Chair Atkins-Spivey called for a motion to approve the easement reconsideration as recommended by the Easement Acceptance Committee. Ms. Kim made a motion, which was seconded by Mr. Smith. The Board voted unanimously to approve the reconsideration of Boxerwood as presented.

Ms. Wilson Green presented the following item for reconsideration:

**2. Batteries I, II, and III, Drewry's Bluff Battlefield, Chesterfield County**

Property Owner: County of Chesterfield

Acreage: 1.5 acres (aggregate)

Grant Funding: Virginia Land Conservation Fund

The properties known as Batteries I, II and II are situated between Interstate 95 and the James River in eastern Chesterfield County. The Batteries are located within the James River Conservation Area, a larger property contains 109 acres of land. Two separate parcels totaling 1.72 acres of land are proposed to be placed under easement with the Board of Historic Resources ("Board"). Each of the parcels contains an artillery position (battery) and earthworks associated with the Civil War Battle of Drewry's Bluff, and each will require a separate deed of easement. Battery I, the easternmost parcel, contains 0.34 acres. To the north of this lies the 1.38 acre parcel containing Batteries II and III. In 2015, Chesterfield County ("the County") received a Virginia Land Conservation Foundation (VLCF) grant in the amount of \$302,000 for the fee-simple acquisition of the larger 109-acre property. The James River Conservation Area will be developed as a public park for boating and fishing access along the river, natural and historic resources, interpretative and picnic areas, and walking trails. As required by the VLCF grant, the County will convey a perpetual easement to the Board over those portions of the property that contain historically significant resources, and place restrictions on the development and use of the larger conserved parcel. The Board previously authorized easement of the two batteries at its March 17, 2016 meeting. The County has recently provided DHR Easement staff with comments on the original drafts provided in April 2016, and has indicated receipt of a 6-month extension on the VLCF grant deadline for recordation of the easements.

The 0.34 acre parcel falls primarily within the study area of the Drewry's Bluff Battlefield, which has been given a Preservation Priority III.2 Class B rating from the Civil War Sites Advisory Commission ("CWSAC"). Both the 0.34 and 1.38 acre parcels fall within the study area of the Proctor's Creek Battlefield, which has been given a Preservation Priority IV.1 Class B rating from the CWSAC.

The Easement Acceptance Committee recommends acceptance of the Benchmark I Tracts easement offer as presented.

**Comments Summary:**

Mr. Smith expressed hope that this easement would be recorded in a timely fashion.

Chair Atkins-Spivey called for a motion to approve the easement reconsideration as recommended by the Easement Acceptance Committee. Ms. Kim made a motion, which was seconded by Mr. Smith. The Board voted unanimously to approve the reconsideration as presented.

## **Easement Update**

Ms. Musumeci presented the following update to the Board:

**1. Courtland Realty Tracts, Appomattox Court House Battlefield, Appomattox County**

Property Owner: Civil War Trust

Acreage: 201.72 ±

Grant Funding: American Battlefield Protection Program, Virginia Battlefield Preservation Fund

*Notification regarding archaeological site and ruins per staff site visit*

Located along the north side of River Ridge Road (also known as State Route 627) southeast of the Town of Appomattox, the Courtland Realty Tracts contain two tax parcels totaling 201.72 ± acres. Comprised primarily of wooded cover, the property is bisected by several dirt and gravel former logging roads. Other than the ruins of a mid-19th century dwelling the property is unimproved. The current cover consists mostly of Virginia Pine and mixed hardwood timber and is a naturally generating timber stand after timber harvests conducted in the 1980s. A power line corridor runs roughly parallel with the southwestern boundary while the northern boundary of the property fronts the Appomattox River for approximately 3,260 feet. CWT acquired the property in 2017 with American Battlefield Protection Program and Virginia Battlefield Preservation Fund grants. Conveyance of a conservation and historic preservation easement over the property is a condition of both grants.

DHR Easement Program Archaeology Staff made a site visit to the property on February 28, 2018 to document the ruins of the mid-19<sup>th</sup> century Morton House. A stone-lined cellar as well as brick foundations, portions of wood frame walls, and a brick chimney are still extant. The larger superstructure of the frame dwelling has collapsed. A masonry-lined well, ice pit, and possible remnant stone foundation are located just to the north of the dwelling. The architectural remains and domestic landscape features, which will be formally recorded as an archaeological site in the DHR's permanent archives, provide a physical link to the Battle of Appomattox Court House and the historic events that occurred on the property.

Staff recommends that CWT take immediate measures to protect the ruins of the Morton House and secure the site. Such measures should include, but not be limited to:

1. Install "No Trespassing" signs;
2. Install access restriction measures (gates, chaining, etc.) at all vehicle access points;
3. Notify local law enforcement of the site location and concerns; and
4. Continue partnership with the National Park Service for regular weekly or bi-weekly monitoring of the site.

DHR Easement Staff will also continue to work with CWT and the National Park Service (Appomattox National Historical Park Unit) to develop a plan that addresses future treatment of the ruins.

No action was necessary.

## **New Easements Recorded Since the December 2017 HRB Meeting**

Ms. Musumeci then briefed the Board about the following recently recorded easements.

**1. Manson Tract, Mine Run Battlefield, Orange County**

Property Owner: Civil War Trust

Acreage: 4.9973

Date Recorded: January 11, 2018

Grant Funding: American Battlefield Protection Program

**2. Bell House, Winchester Battlefields, City of Winchester**

Property Owner: Shenandoah Valley Battlefields Foundation

Acreage: 0.68

Date Recorded: January 24, 2018

Grant Funding: American Battlefield Protection Program, Virginia Battlefield Preservation Fund, Virginia Land Conservation Fund

**3. Gheen Property, Tom's Brook Battlefield, Shenandoah County**

Property Owner: Shenandoah Valley Battlefields Foundation

Acreage: 24.28

Date Recorded: February 21, 2018

Grant Funding: American Battlefield Protection Program, Virginia Battlefield Preservation Fund

**4. Jenkins Tract on Hansbrough's Ridge, Brandy Station Battlefield, Culpeper County**

Property Owner: Civil War Trust

Acreage: 174.70

Date Recorded: February 23, 2018

Grant Funding: American Battlefield Protection Program, Virginia Outdoors Foundation Preservation Trust Fund

**5. Crim House Tract, New Market Historic District, Shenandoah County**

Property Owner: Shenandoah Valley Battlefields Foundation

Acreage: 0.6679

Date Recorded: March 8, 2018

Grant Funding: American Battlefield Protection Program, Virginia Land Conservation Fund

**6. Crim Open-Space Tract, New Market Battlefield, Shenandoah County**

Property Owner: Shenandoah Valley Battlefields Foundation

Acreage: 1.04

Date Recorded: March 8, 2018

Grant Funding: American Battlefield Protection Program, Virginia Battlefield Preservation Fund, Virginia Land Conservation Fund

Ms. Musumeci stated that concluded her presentation.

**Chair Atkins-Spivey adjourned the Board of Historic Resources meeting at 3:38 p.m.**

**STATE REVIEW BOARD**

At the Collections Study Room at the Department of Historic Resources, 2801 Kensington Avenue, Richmond, VA 23221

**State Review Board Members Present**

Elizabeth Moore, Chair

Joseph D. Lahendro, Vice-Chair

Dr. Sara Bon-Harper

Dr. Gabrielle Lanier

Dr. Laurant Lee

Dr. Carl Lounsbury

John Salmon

**State Review Board Members Absent**

None

**Department of Historic Resources Staff Present**

Casey DeHaven

Jim Hare

Elizabeth Lipford

Lena McDonald

Mike Pulice

Aubrey Von Lindern

Marc Wagner

Austin Walker

**Guests (from sign-in sheet):**

Richard Spurzem, property owner (Wyndhurst)

Marcus Pollard, Commonwealth Preservation Group (Basic Construction Building & Madison Heights School)

Steve Truitt, County Administrator, Carroll County (Woodlawn High School)

Rev. John E. Johnson, Jr. (Union Baptist Church)

Chair Moore called the meeting to order at 12:36 p.m. for discussion and consideration of the proposed relocation of Wyndhurst and the Preliminary Information Applications (informal guidance session).

The following proposal to relocate the building known as Wyndhurst, which has been listed in the Virginia Landmarks Register and the National Register of Historic Places, was presented by Mr. Marc Wagner.

**Proposed Relocation of Wyndhurst, City of Charlottesville, #104-0048..... presented by Marc Wagner**

Chair Moore invited questions from the members of the SRB.

Vice-Chair Lahendro clarified his previous opposition to the proposed relocation of the building at the December 17, 2017 meeting, noting that he had been unclear on the potential re-orientation of the house on the proposed new site. After receiving additional information regarding the proposed orientation of the house as well as visiting the site, he expressed his support for the relocation.

Mr. Spurzem, the owner of the property, clarified that both additions to the southeast side of the house would be relocated intact following consultation with the City of Charlottesville's Architectural Review Board. The ARB preferred to keep both additions intact in order to provide a more complete narrative of the building's evolution.

Chair Moore requested a motion for the SRB to approve the proposed relocation of Wyndhurst as presented. With a motion from Dr. Lounsbury and a second from Dr. Bon-Harper, the SRB voted unanimously to approve the proposed relocation of Wyndhurst as presented

**Preliminary Information Forms**

**The following proposals were *endorsed*, unless otherwise noted, with the following comments:**

(Public comment was invited after presentation of each region's PIFs.)

**Western Region.....presented by Michael Pulice**

1. Big Stone Gap Historic District, Town of Big Stone Gap, Wise County, #101-5002, Criteria A and C  
Chair Moore asked Mr. Pulice if the town of Big Stone Gap was behind the push for the historic district nomination. Mr. Pulice confirmed that this was the case, noting that potential tax credit projects stemming from the nomination are being viewed as a possible catalyst for similar investments in Southwest Virginia. As Mr. Pulice pointed out, there are currently no tax credit projects in the three westernmost counties of Virginia, with recent economic circumstances in the region making it difficult for such investments to be viewed as worthwhile.

Vice-Chair Lahendro asked Mr. Pulice about the relationship of the John Fox, Jr. House (VDHR No. 101-0001), a previously individually listed house, to the proposed historic district. Mr. Pulice noted the previous listing of the house and clarified that it is not located within the boundaries of the proposed district.

2. Draper Historic District, Pulaski County, #077-0169, Criteria A and C  
Vice-Chair Lahendro inquired about the nature of the community cannery property shown as part of the potential historic district. Mr. Pulice explained that such canneries were typically built with USDA agricultural funds to provide space for local farmers, hunters, and residents to can produce and meat. Mr. Pulice also noted that the town plans to reopen the historic cannery for its intended purpose in the future, prompting a brief discussion of similar facilities currently operating in Virginia.
3. Greenlee's Ferry, Rockbridge County, #081-0208, Criterion C  
Comments noted the possibility of adding Criterion B to the property nomination, pending further research and examination of the potential significance of Francis T. Anderson, a notable owner of the property.
4. Madison Heights School, Amherst County, #005-5045, Criteria A and C  
Following Mr. Pulice's presentation, Mr. Pollard offered further clarification of the history and periods of construction on the site in order to more fully explain the proposed period of significance start date of 1930. He also noted proposed plans to redevelop the building as housing.

Chair Moore asked when the building stopped being used as a school. Mr. Pollard noted that use as an elementary school continued throughout the 1970s and 1980s before ending sometime during the 1990s.

5. Woodlawn High School, Carroll County, #017-5160, Criterion A  
Following Mr. Pulice's presentation, Mr. Truitt noted that the Agricultural and Home Economics Buildings on the site were completed with the first distributed funding from the Smith-Hughes Vocational Education Act in Virginia. He went on to explain the importance and persistent legacy of vocation education programs at Woodlawn High School to improving agricultural techniques in Carroll County, with plowing and strip farming in particular helping to improve yields in a region notable for difficulty in farming. He also noted that the site is currently being explored as a potential tax credit rehabilitation project.

Vice Chair Lahendro noted the possibility of more fully examining the history of schools and education in Carroll County before Woodlawn High School as part of the property nomination, including the legacy of Woodlawn Academy.

**Northern Region.....presented by Aubrey Von Lindern**

1. Deerfield, Fauquier County, #030-5439, Criteria A and C  
The SRB endorsed the PIF without additional comment.
2. James Farm, Loudoun County, #053-0739, Criterion C  
The SRB endorsed the PIF without additional comment.

**Eastern Region.....presented by Marc Wagner and Elizabeth Lipford**

1. Basic Construction Building, City of Newport News, #121-5453, Criteria A and B  
Vice-Chair Lahendro asked for more information regarding the changing business model of the Basic Construction Company between 1945 and the 1960s, particularly as it relates to the evolution of contracting and subcontracting practices in construction during the 20<sup>th</sup> century. Mr. Pollard noted that the 1960s addition to the building was planned to accommodate a the company's transition from primarily industrial projects to entire buildings and college campuses, which involved much broader networks of subcontractors and made the building more of a centralized coordination center. Dr. Lounsbury asked whether there was any relationship between the initial date of the building's construction (1945) and the company's access to wartime construction materials, given its extensive contract work for the federal government.

Comments then turned more broadly to a discussion of integrity and Criterion A, particularly as they relate to more modern buildings. Mr. Hare brought up the fact that the life-spans of many modern buildings materials – and thus many modern buildings – are not intended to be long-term, raising issues of what integrity of architecture and materials means for mid-20<sup>th</sup> century buildings that are beginning to reach “historic” status. Chair Moore noted that integrity could potentially be maintained when spaces are intentionally designed to be altered over time by different tenants. Dr. Lounsbury stated that most construction has historically been viewed as temporary, with the majority of buildings and structures not built for the ages. Mr. Hare responded by questioning the public value of preserving such buildings as they are, raising the importance of DHR's role in being able to clearly and practically convey the significance of resources to the general public. Vice-Chair Lahendro added that, given recent questions over public trust in government, there is a need for greater involvement in public engagement and education at a broader level in order to clearly convey how such decisions are made. Citing the obvious local importance of the Basic Construction Building despite its potential lack of traditional architectural integrity, Dr. Lee further noted the need to move away from more elite history and bring in narratives and sites important to the laboring class in an effort to continually broaden our understanding of historical significance.

2. Chief Otho Nelson and Susie Nelson House, King and Queen County, #049-5132, Criteria A and B  
Ms. McDonald mentioned Dr. Julia King's (Professor of Anthropology, St. Mary's College) work for the Captain John Smith Trail and the Rappahannock Tribe as a notable resource relating to the tribe's history and legacy in Virginia, prompting a brief discussion of that research. Chair Moore asked for clarification on whether there was a reservation for the Rappahannock Tribe and, if so, whether the house was located within its boundaries. Ms. Lipford responded that the tribe does not have a reservation, but that there is a tribal center located in relatively close proximity to the site.
3. First Czechoslovakian Presbyterian Church, Prince George County, #074-5093, Criterion A and Criteria Consideration G  
Dr. Lounsbury noted the potential value of further exploration into the conversion to and development of Presbyterianism among the Czech and Slovakian immigrant communities as it relates to the Area of Significance provided for Criterion A (Ethnic Heritage).
4. Strachan-Harrison House, City of Petersburg, #123-0024, Criterion C  
Dr. Lounsbury asked who was in charge of the rehabilitation work and HABS survey on the site. Ms. Lipford responded that while she did not know specific individuals responsible for completing the rehabilitation work, she felt it likely that the City of Petersburg or Historic Petersburg would have more information.

Chair Moore inquired about the dates of the two wing additions to the original house. Ms. Lipford responded that the east addition is currently thought to be relatively early in the building's history, while the west addition dates to the late 19<sup>th</sup> century.

5. Union Baptist Church, City of Hopewell, #116-5093, Criterion B and Criteria Consideration G  
Comments focused largely on the possibility of expanding a potential nomination into a Historic District encompassing Union Baptist Church as well as other adjacent properties related to the life and work of Rev. Dr. Curtis Harris, notably his nearby family home and store/restaurant. Rev. Johnson raised the possibility of establishing a museum to honor Rev. Harris on church property, while Mr. Wagner confirmed that a Historic District is still a possibility for further exploration.

Vice-Chair Lahendro, noting the period of significance ending in 1998, asked what built fabric would need to be preserved to maintain integrity, should the property eventually proceed to listing. Mr. Wagner noted that there have been minimal changes to

the church building since 1998, with the most notable recent change being the 1995 addition of a central entry tower, for which Rev. Harris was the main advocate. Given Harris' sustained role in the church's architectural development throughout the period of significance, Mr. Wagner stated that even the modern fabric of the building is largely significant.

Vice-Chair Lahendro asked whether there was any concern with losing any architectural fabric related to Rev. Harris moving forward. Rev. Johnson answered by explaining that the church owns property nearby that could be used for any necessary changes, rather than the main church building itself.

6. Whittles Mill Dam, Mecklenburg County, #058-5199, Criterion C

Vice-Chair Lahendro sought clarification of the exact nature of the historic resource being assessed, to which Mr. Wagner responded that the main resources are a historic mill and hydroelectric dam. Vice-Chair Lahendro then asked how the mill and dam compare to similar resources across Virginia. Mr. Wagner noted that the dam is the only one extant in Mecklenburg County, and that it is rare for it to serve such a small town (South Hill) in Virginia. Ms. McDonald mentioned an existing context for hydroelectric dams in Virginia as a worthwhile resource for potentially expanding this discussion in the nomination. Chair Moore asked whether the hydroelectric dam is still owned by the town; Mr. Wagner confirmed. Vice-Chair Lahendro then asked if the town is pursuing the nomination, and, if so, for what reasons. Mr. Wagner again confirmed, noting that the nomination would simply be to preserve the history of the site for posterity.

Vice-Chair Lahendro then asked how a potential nomination for the site would be justified to the broader public. Mr. Wagner noted that the hydroelectric dam is a significant work of engineering, and that the site still largely retains its original hydroelectric equipment, including turbines in a structure underneath the current millhouse. Vice-Chair Lahendro then stated that a more complete understanding of how the mill and dam operated would be an important component to the potential nomination.

Chair Moore adjourned the State Review Board meeting at 3:38 p.m.

- \* Cost Share Sponsored Project
- \*\* Certified Local Government
- \*\*\* Certified Local Government Sponsored Project